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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/063,867 | 05/21/2002 | Albert Gordon Greenberg | 2001-0281 | 2431 |

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EXAMINER

CHOU, ALBERT T

ART UNIT PAPER NUMBER

2616

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,867

Applicant(s)

GREENBERG ET AL.

Examiner

Albert T. Chou

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, the recited limitation “the adjacency is established by placing the routers in an intermediate loading state” is not clear.

- It is not clear what is a “loading state” and what is an “intermediate” one.
- “Adjacency is established” and “placing the routers an intermediate loading state” sound like contradictory statements.

Regarding claims 9, the recited limitation “completing the synchronization, thereby creating an intermediate loading state” is not clear.

- It is not clear what “completing the synchronization” means. It is not known what entity is doing the synchronization and what is being synchronized with the database of the router.
- It is also not clear what “creating an intermediate loading state” means; i.e. what is a “loading state” and what is an “intermediate” one.

- “Completing the synchronization” and “creating an intermediate loading state” sound like contradictory statements.

Regarding claim 10, it depends from claim 9 and is rejected on the similar basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin (US Patent 6,744,739).

Regarding claim 1, Martin teaches a method of tracking the topology of a packet-switched network comprising:

(a) passively monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol [**Fig. 1; col. 5, lines 18-39**]; and

(b) using information in the link state advertisements to construct a topology view of the network [**Fig. 1; col. 5, lines 18-39; Fig. 12; col. 10, lines 19-31**].

Regarding claim 2, Martin teaches a method wherein the link state advertisements are monitored using reflectors established in adjacency with the routers in the network **[Fig. 1; col. 5, lines 32-39]**.

Regarding claim 3, Martin teaches a method wherein topology view is constructed by an aggregator in communication with the reflectors established in adjacency with the routers in the network **[Fig. 3; col. 8, lines 18-42]**.

Regarding claim 4, Martin teaches a method wherein the link state routing protocol is OSPF **[Fig. 1; col. 5, lines 18-25]**.

Regarding claim 5, Martin teaches a method wherein the link state advertisements are monitored using reflectors established in adjacency with the routers in the network and wherein the adjacency is established by placing the routers in an intermediate loading state **[Fig. 1; col. 5, lines 18-39]**.

The examiner interprets an intermediate loading state is a state that routers are able to exchange link state advertisements describing each router's network interface.

Regarding claim 6, Martin teaches a system for tracking the topology of a packet-switched network comprising:

one or more reflectors which are capable of monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol **[Fig. 1; col. 5, lines 18-39]**; and

an aggregator which is capable of receiving topology information from each of the reflectors and constructing a topology view of the network [Fig. 1; col. 5, lines 18-39; Fig. 12; col. 10, lines 19-31].

Regarding claim 7, Martin teaches a system wherein the link state advertisements are monitored by establishing an adjacency with the routers in the network [Fig. 1; col. 5, lines 32-39].

Regarding claim 8, Martin teaches a method wherein the link state routing protocol is OSPF [Fig. 1; col. 5, lines 18-25].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 6,574,663 to Bakshi et al. disclose "Active Topology Discovery In Active Networks"
- US Patent No. 6,751,660 to Mansingh et al. disclose "Network Management Systems That Receive Cross Connect And/Or Other Circuit Information From Network Elements"
- US Patent No. 6,094,682 to Nagasawa discloses "Method Of Constructing The Path Information Of A Network Management System"

- US Patent No. 6,820,134 to Zinin et al. disclose "Optimizing Flooding Of Information In Link-State Routing Protocol"


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Albert T. Chou
March 15, 2006

Ac


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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